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10/071,808	02/06/2002	Steve Smith	01112	2848

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EXAMINER

PHAM, LAM P

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,808

Applicant(s)

SMITH ET AL.

Examiner

Lam P Pham

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 17 is objected to because of the following informalities: claim 17 should depend on claim 15. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 10 rejected under 35 U.S.C. 103(a) as being unpatentable over **Mehaffey et al.** (US 5,283,549) in view of **Hall et al.** (US 4,742,336).

Regarding claim 1, **Mehaffey** discloses an intrusion detection radio device including the following subject matters:

a portable body (11) having an infrared motion sensor (17) as seen in Figure 1; col. 2, lines 15-21.

a microprocessor (32) held in the body and connected to the infrared motion sensor; the microprocessor including means to activate an audio output in response to receipt of a signal signifying that a motion has been detected by the infrared motion sensor as seen in Figures 3; col. 2, lines 14-57, col. 4, lines 44-51 and col. 5, lines 2-32.

a record/playback device (CODEC chip 57 plus transceiver 51 plus EPROM 43) having a non-volatile storage medium (EPROM 43) held in the portable body for storing

the audio output as seen in figure 3; col. 7, lines 19-54 and col. 13, lines 23-30 and col. 14, lines 34-61.

the body (11) including a base (12) and a back (bottom side of the base) for selectively supporting the intrusion detection radio device in an upright position in an area to be monitored.

Mehaffey discloses the radio transceiver (28) is being connected to the microprocessor board (22) through a set of cables as seen in col. 5, lines 2-6. However, Mahaffey fails to expressly disclose a port in the body for plugging in a transceiver adapted to be activated by the microprocessor to receive and broadcast the audio output.

Hall et al. teach of a port on body of the portable intrusion detection warning system for plugging in a receptacle (28) of transceiver such as a standard phone which receives and transmits audio information as well as other data over a hard-wired phone line as seen in Figure 1; col. 6, lines 2-15; it has been well known to use either wired or wireless transmission such as cellular communication. The use of a separate transceiver greatly increase the versatility of the portable intrusion system since the transceiver can be placed at any desired position that provides the best possible transmission of information in order to avoid interference.

In view of Hall's teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an output port in the body of the portable intrusion system of Mehaffey for plugging a transceiver in order to increase the versatility of the system.

Regarding claim 10, **Mehaffey** discloses the body has a front (a side of column 14) with an opening formed therein, and the infrared motion detector (17) extends through the opening as seen in Figures 1 and 2.

4. Claims 2-9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mehaffey et al.** (US 5,283,549) in view of **Hall et al.** (US 4,742,336) and **Conklin** (US 4,059,832).

Regarding claim 2, **Mehaffey** discloses the body includes an internal power source (27) as seen in Figure 2; col. 4, lines 52-64 .

However, **Mehaffey and Hall** still fails to disclose the back of the body includes a securing means.

Conklin teaches of a securing means including an adjustable hanger bracket and spring hinge construction on the back of a portable intrusion device for mounting onto a shelf, a door and other structures as desired as seen in Figures 1, 3, 5 and 6.

In view of Conklin's teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such securing means onto the back of the body of the portable intrusion device of Mehaffey in order to mount the device to different desired position and location in the house to meet the user's application.

Regarding claims 3 and 4, **Mehaffey, Hall and Conklin** fail to further disclose the securing means is a hook and loop fastener and a magnetic holding strip. However, it has been known in the art of mounting to alternatively use a hook and loop fastener, a

bracket, a magnetic strip, a suction cup or removable adhesives for mounting a portable device to different objects or structures as intended by the application. Thus, it would have been obvious to one of ordinary skill in the art to provide the securing means on the back of the body with a variety of options such as a hook and a loop fastener or a magnetic holding strip, a bracket or a suction cup to facilitate the attachment of the intrusion alarm to different surfaces, location, position detachably.

Regarding claim 5, **Mehaffey** discloses the body has a front (a side of column 14) with an opening formed therein, and the infrared motion detector (17) extends through the opening as seen in Figures 1 and 2.

Regarding claim 6, **Mehaffey** discloses the intrusion detection radio device includes a battery power source (27), and the microprocessor includes a means to switch power on and off to prolong the battery life as seen in col. 8, lines 42-58.

Regarding claim 7, **Mehaffey and Hall** both fails to disclose the back of the body includes a securing means.

Conklin teaches of a securing means on the back of a portable intrusion device for mounting onto a shelf, a door and other structures as desired as seen in Figures 1, 3, 5 and 6.

In view of Conklin's teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such securing means onto the back of the body of the portable intrusion device of Mehaffey in order to mount the device to different desired position and location in the house to meet the user's application.

Regarding claims 8 and 9 , **Mehaffey, Hall and Conklin** fail to further disclose the securing means is a magnetic holding strip and a hook and loop fastener. However, it has been known in the art of mounting to alternatively use a hook and loop fastener, a bracket, a magnetic holding strip, a suction cup or removable adhesives for mounting a portable device to different objects or structures as intended by the application. Thus, it would have been obvious to one of ordinary skill in the art to provide the securing means on the back of the body with a variety of options such as a hook and a loop fastener or a magnetic holding strip, a bracket or a suction cup to facilitate the attachment of the intrusion alarm to different surfaces, location, position either permanently or detachably as they have been well known.

Regarding claim 11, **Mehaffey** discloses an intrusion detection radio device including the following subject matters:

a portable body (11) having an infrared motion sensor (17) as seen in Figure 1; col. 2, lines 15-21.

the portable body including a base (12), a front (any side of column 14) , two sides (other two sides of the column), a top (cap 31) and a back (bottom side of the base);

a microprocessor (32) held in the body and connected to the infrared motion sensor and a battery held in the body (27); the microprocessor including means to activate a tone or voice recorded on a device held in the body, in response to motion detected by the infrared motion sensor as seen in Figures 3; col. 2, lines 14-57, col. 4, lines 44-51 and col. 5, lines 2-32.

the device in the portable body being a record/playback device (CODEC chip 57 plus transceiver 51 plus EPROM 43) having a non-volatile storage medium (EPROM 43) for storing the synthesized tone or voice as seen in figure 3; col. 7, lines 19-54 and col. 13, lines 23-30 and col. 14, lines 34-61.

Mehaffey discloses the radio transceiver (28) is being connected to the microprocessor board (22) through a set of cables as seen in col. 5, lines 2-6. However, Mahaffey fails to expressly disclose a port in the body for plugging in a transceiver adapted to be activated by the microprocessor to receive and broadcast the tone or voice.

Hall et al. teach of a port on body of the portable intrusion detection warning system for plugging in a receptacle (28) of transceiver such as a standard phone which receives and transmits audio information as well as other data over a hard-wired phone line as seen in Figure 1; col. 6, lines 2-15; it has been well known to use either wired or wireless transmission such as cellular communication. The use of a separate transceiver greatly increase the versatility of the portable intrusion system since the transceiver can be placed at any desired position that provides the best possible transmission of information in order to avoid interference.

In view of Hall's teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a port in the body of the portable intrusion system of Mehaffey for plugging a transceiver in order to increase the versatility of the system.

Mehaffey and Hall still fail to disclose a means mounted on the back of the body for supporting the body on a vertical surface.

Conklin teaches of a securing means on the back of a portable intrusion device for mounting onto a shelf, a door and other structures as desired as seen in Figures 1, 3, 5 and 6.

In view of Conklin's teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such securing means onto the back of the body of the portable intrusion device of Mehaffey in order to mount the device to different desired position and location in the house to meet the user's application. rejected for the reasons explained in claims 1 and 6-7 above.

Regarding claims 12-13, **Mehaffey, Hall and Conklin** fail to further disclose the securing means is a hook and loop fastener and a magnetic holding strip. However, it has been known in the art of mounting to alternatively use a hook and loop fastener, a bracket, a magnetic strip, a suction cup or removable adhesives for mounting a portable device to different objects or structures as intended by the application. Thus, it would have been obvious to one of ordinary skill in the art to provide the securing means on the back of the body with a variety of options such as a hook and a loop fastener or a magnetic holding strip, a bracket or a suction cup to facilitate the attachment of the intrusion alarm to different surfaces, location, position detachably.

Regarding claim 14, **Mehaffey** discloses the microprocessor includes a means to switch power on and off to prolong the battery life as seen in col. 8, lines 42-58.

5. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Mehaffey et al.** (US 5,283,549) in view of **Hall et al.** (US 4,742,336) and **Conklin** (US 4,059,832) and **Kim** (US 6,278,884).

Regarding claim 15, **Mehaffey** discloses an intrusion detection radio device including the following subject matters:

a portable body having a base (12), a front (any side of column 14), two sides, a top (cap 31) and a back (bottom side of the base);

an infrared motion sensor (17) held in the body and extending through an opening formed in the front as seen in Figure 1.

a microprocessor (32) held in the body and connected to the infrared motion sensor and a battery (27) held in the body; the microprocessor including means to activate a tone or voice recorded on an analog record/playback device (CODEC chip 57 plus transceiver 51 plus EPROM 43) having a non-volatile storage medium (EPROM 43) held in the body, in response to motion detected by the infrared motion sensor as seen in Figures 3; col. 2, lines 14-57, col. 4, lines 44-51 and col. 5, lines 2-32.

Mehaffey discloses the radio transceiver (28) is being connected to the microprocessor board (22) through a set of cables as seen in col. 5, lines 2-6 to receive and broadcast synthesized tone or voice. However, Mahaffey fails to disclose a port in the body for plugging in the transceiver and the transceiver activated by the microprocessor to receive and broadcast the synthesize tone or voice and ambient sound or pictures.

Hall et al. teach of a port on body of the portable intrusion detection warning system for plugging in a receptacle (28) of transceiver such as a standard phone which receives and transmits audio information as well as other data over a hard-wired phone line as seen in Figure 1; col. 6, lines 2-15; it has been well known to use either wired or wireless transmission such as cellular communication. The use of a separate transceiver greatly increase the versatility of the portable intrusion system since the transceiver can be placed at any desired position that provides the best possible transmission of information in order to avoid interference. In view of Hall's teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a port in the body of the portable intrusion system of Mehaffey for plugging a transceiver in order to increase the versatility of the system.

However, **Mehaffey and Hall** still fail to disclose the transceiver receive and broadcast both the synthesized tone or voice and ambient sound or pictures. Kim teaches of a portable information communication device housing a digital cameras security system having an audio storage (capture) 44 and video storage (capture) 46 are initiated to transmit intrusion sounds and images over the wireless communication systems to a central office when movement sensors (motion, infrared, ultrasonic) are triggered as seen in Figures 1-4. In view of Kim's teaching in same field of invention, it would have been obvious to one of ordinary skill in the art to incorporate the camera and sound sensor of the portable security device of Kim into the portable monitoring device of **Mehaffey and Hall** in order to provide both captured ambient sound and

visual image of an intrusion along with the voice alarm to a remote center for processing and recovering of property as effectively as possible.

Mehaffey, Hall and Kim still fail to disclose a means mounted on the back of the body for supporting the body on a vertical surface.

Conklin teaches of a securing means on the back of a portable intrusion device for mounting onto a shelf, a door and other structures as desired as seen in Figures 1, 3, 5 and 6.

In view of Conklin's teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate such securing means onto the back of the body of the portable intrusion device of Mehaffey in order to mount the device to different desired position and location in the house to meet the user's application. rejected for the reasons explained in claims 1 and 6-7 above.

Regarding claims 16-17, **Mehaffey, Hall, Kim and Conklin** fail to further disclose the securing means is a hook and loop fastener and a magnetic holding strip. However, it has been known in the art of mounting to alternatively use a hook and loop fastener, a bracket, a magnetic strip, a suction cup or removable adhesives for mounting a portable device to different objects or structures as intended by the application. Thus, it would have been obvious to one of ordinary skill in the art to provide the securing means on the back of the body with a variety of options such as a hook and a loop fastener or a magnetic holding strip, a bracket or a suction cup to facilitate the attachment of the intrusion alarm to different surfaces, location, position detachably.

Arguments/Response

6. In the remarks, the applicant argues that the claimed device is portable, low cost device and having non-volatile storage medium (flash ROM).

In response to the remarks, the examiner have considered all claims and did not find a low cost limitation for the device. In addition, the device of Mehaffey et al. is portable and the non-volatile storage medium is the EPROM (43), referring to rejections for claims 1-14.

7. Applicant's arguments with respect to claims 15-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tobin et al. (US 4,176,348) disclose an electronic security device using Velcro and suction cups for mounting.

Fuller (US 5463371) discloses a window mounted automobile security alarm with sound sensor.

Lehmann et al. (US 5861808) disclose a motion sensitive reminder using a record/playback chip with non-volatile memory.

Marik (US 5392026) discloses a door lock reinforcer and alarm device using Velcro for mounting.


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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P Pham whose telephone number is 703-306-4181. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A Hofsass can be reached on 703-305-4717. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Lam Pham
October 1, 2003


JEFFERY A. HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600